

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Rafael A. Jones,

Petitioner,

-against-

Ann Marie T. Sullivan,

Respondent.

USDC SDNY
DOCUMENT
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DATE FILED: 7/14/2022

1:22-cv-02794 (JPC) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

Following a telephone conference with the parties on July 12, 2022, and for the reasons stated on the record, it is hereby ORDERED, as follows:

1. No later than July 21, 2022, Respondent shall file a motion, pursuant to Rule 2(a) of the Rules Governing Section 2254 Cases in the United States District Courts, to substitute as respondent Joseph Caputo (“Caputo”), who Petitioner represented during the conference is the officer who currently has custody of Petitioner.¹
2. The Court having found, pursuant to Section 33.13(c)(1) of the New York Mental Hygiene Law, that the interests of justice significantly outweigh the need for confidentiality, no later than July 21, 2022, Respondent shall file under seal the

¹ As reflected in the change of address form filed by Petitioner (ECF No. 31), and as confirmed in other correspondence filed to the Court’s docket (ECF No. 33), Petitioner recently was transferred to the custody of the New York City Department of Corrections on Rikers Island. Petitioner previously had been in the custody of Caputo relating to the same state criminal charges at issue in this proceeding (*i.e.*, CR-013906-21BX), and had filed a prior habeas petition in this Court that was denied on March 3, 2022 by Chief Judge Swain. *See Jones v. Caputo*, No. 22-CV-01640 (LTS), 2022 WL 623499, at *4 (S.D.N.Y. Mar. 3, 2022). Also on March 3, 2022, in another habeas case filed in this Court by Petitioner relating to the same state criminal charges, Chief Judge Swain denied the petition. *See Jones v. Walker*, No. 22-CV-00993 (LTS), 2022 WL 623584, at *2 (S.D.N.Y. Mar. 3, 2022). And, on April 4, 2022, Chief Judge Swain denied yet another petition filed by Petitioner in this Court relating to the same state criminal charges. *See Jones v. Caputo*, No. 22-CV-02041 (LTS), 2022 WL 1062886, at *3 (S.D.N.Y. Apr. 4, 2022).

clinical director's evaluation of Petitioner that is referred to in footnote 1 of the July 8, 2022 letter filed by AAG McIver (ECF No. 33).

SO ORDERED.

Dated: New York, New York
July 14, 2022

Stewart D. Aaron

STEWART D. AARON
United States Magistrate Judge